



COLUMBUS, INDIANA BOARD OF ZONING APPEALS

CONDITIONAL USE FINDINGS OF FACT

Docket Number: C/CU-2024-001 & C/CU-2024-003
Applicant: Andrew Perr
Filing Date: January 23, 2024
Hearing Date: February 27, 2024
Property Location: 1268 Washington Street in the City of Columbus

Conditional Use(s) Requested:

A Conditional Use per Zoning Ordinance Section 3.18(B) to allow a worship facility in the CN (Commercial: Neighborhood) zoning district.

A Conditional Use per Zoning Ordinance Section 7.1(Part 2)(A)(2) to allow a shared parking agreement between two or more uses within the Roviari Building in a CN (Commercial: Neighborhood) and CDS (Commercial: Downtown Support) zoning district.

Board Action Taken:

Athens Church (C/CU-2024-001) Request Approved by a Vote of: 4 to 0, with a condition.
Roviari Shared Parking (C/CU-2024-003) Request Approved by a Vote of: 4 to 0.

Condition of Approval: The Zoning Violation on the property, the unscreened dumpsters, be addressed within 3 months of the date of this approval, February 27, 2024.

The Bartholomew County Board of Zoning Appeals acted under the authority of Indiana law as follows: IC 36-7-4-918.2: a board of zoning appeals shall approve or deny all conditional uses. The board may impose reasonable conditions as a part of its approval.

In its deliberations, the Bartholomew County Board of Zoning Appeals weighed the evidence associated with the following criteria and made the findings listed below. These written findings shall be considered the official findings of the Board and shall supplement any spoken findings offered at the time the Board's decision was made. Any distinctions between these written findings and those that were spoken serve only to clarify any paraphrasing or commonly understood language used in the spoken findings through the use of technical content of identical meaning.

Findings of Fact/Decision Criteria-Athens Church Conditional Use:

Criteria #1: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(1), the proposal will not be injurious to the public health, safety, and general welfare of the community.*

Finding: Neither the City Engineering nor Fire Department, nor the County Code Enforcement Department indicated any public safety concerns with the worship facility at this location. If the companion conditional use request allowing for shared parking is approved, *this criterion has been met.*

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(2), the development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.*

Finding: The applicants propose no physical changes to the property. If the companion conditional use request allowing for shared parking is approved and the dumpster screening zoning violation is addressed, *this criterion has been met.*

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(3), granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.*

Finding: The area of CN (Commercial: Neighborhood) zoning at the intersection of 11th and Washington Streets, including this property, is currently characterized by a variety of uses beyond those permitted by the applicable zoning. These uses include a fire station, offices, an events venue within the Roviari Building, a gas station, and several others. The proposed worship facility will not alter the character of the area or injure an otherwise strictly neighborhood-focused commercial district, which does not practically exist in this area. *This criterion has been met.*

Criteria #4: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(4), the proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.*

Finding: Worship facilities are identified as a Conditional Use in the CN (Commercial: Neighborhood) zoning district, identifying it as a contextually appropriate use depending on the specific circumstances of the site and area. This area does not have a strong neighborhood-based commercial character, with a number of non-neighborhood commercial uses being legal-nonconforming or allowed by use variance. The worship facility will be in character with the uses in the area. Further, the Comprehensive Plan includes this site in the Downtown Columbus Character Area and encourages a healthy mix of land uses. *This criterion has been met.*

Findings of Fact/Decision Criteria-Roviar Shared Parking Conditional Use:

Criteria #1: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(1), the proposal will not be injurious to the public health, safety, and general welfare of the community.*

Finding: The applicant has demonstrated that, during all hours of operation, weekday, weekend, and Sunday, adequate parking is being provided and the uses on site will not result in insufficient parking. In addition, neither the City Engineering nor Fire Department, nor the County Code Enforcement Department indicated any public safety concerns. *This criterion has been met.*

Criteria #2: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(2), the development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.*

Finding: The applicant has demonstrated that, during all hours of operation, weekday, weekend, and Sunday, adequate parking is being provided and the uses on site will not result in insufficient parking. The use of shared parking will not provide hardships for pedestrians, will not result in potentially hazardous traffic conditions, and will provide the minimum number of parking spaces for the uses involved. The approval of shared parking is, therefore, consistent with the intent of the Zoning Ordinance. *This criterion has been met.*

Criteria #3: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(3), granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.*

Finding: The applicant has demonstrated that, during all hours of operation, weekday, weekend, and Sunday, adequate parking is being provided and the uses on site will not result in insufficient parking. Other uses in the area, therefore, will not be injured by unwanted overflow parking or unsafe traffic conditions. *This criterion has been met.*

Criteria #4: *Columbus & Bartholomew County Zoning Ordinance, Section 12.4(D)(4), the proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.*

Finding: The CN zoning district is intended to enable the development of small-scale, mixed use neighborhood centers. By allowing the shared parking this allows the subject property to maintain a more neighborhood-scale development, without excessive parking lots. The Comprehensive Plan encourages flexibility in addressing parking needs and the reduction of the amount of land consumed by parking lots. *This criterion has been met.*

These findings of fact have been adopted by the Bartholomew County Board of Zoning Appeals on the _____ day of _____, 20____.

Chairperson

Secretary